

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Establishment of a Public Purpose Program  
Surcharge Pursuant to Assembly Bill (AB) 1002.

Rulemaking 02-10-001  
(Filed October 3, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
EXCUSING RESPONDENTS FROM PROVIDING CERTAIN INFORMATION  
AND GRANTING REQUEST OF MOUNTAIN UTILITIES TO BE EXCUSED  
FROM PARTICIPATION**

Rulemaking (R.) 02-10-001 directs Respondents to provide certain information. Specifically, page 4 of the OIR, directs utilities to submit a calculation of the proposed surcharge, including total dollars and gas volumes, by customer class for both CARE and non-CARE customers, and that the calculation of the proposed surcharge shall include gas volumes exempt from the surcharge by customer class. Utilities are not required to provide this information as described above in response to R.02-10-001.

On October 16, 2002, Mountain Utilities requested by letter that it be excused from participation in R.02-10-001. Mountain Utilities states it only sells propane, and that as provided in Sections 222, 216 and 221 of the Public Utilities Code (Code), propane companies are not considered natural gas corporations. A review of these relevant sections of the Code confirms Mountain Utilities request, and therefore Mountain Utilities is excused from participation in R.02-10-001.

Therefore, **IT IS RULED** that:

1. Respondents are excused from providing the proposed surcharge information as described above.
2. Mountain Utilities is excused as a participant from Rulemaking 02-10-001.

Dated October 25, 2002, at San Francisco, California.

/s/ BRUCE DEBERRY

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Bruce DeBerry  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Excusing Respondents From Providing Certain Information and Granting Request of Mountain Utilities to be Excused From Participation on all parties of record in this proceeding or their attorneys of record.

Dated October 25, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.